



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

TJR

Docket No: 3922-99

26 November 1999

[REDACTED]

Dear [REDACTED]:

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 16 November 1999. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record, and applicable statutes, regulations, and policies.

After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found you reenlisted in the Navy on 28 October 1947 after four years of prior honorable service. Your record reflects that on 21 January and 15 February 1948 you received captain's mast (CM) for two incidents of drunk and disorderly conduct. On 20 October 1949 you received CM for absence from your appointed place of duty. The punishment imposed was extra duty for 20 hours.

During the period from 13 May to 22 November 1950 you received CM on three occasions for two incidents of absence from your appointed place of duty and sleeping after reveille. You were also convicted by deck court (DC) and summary court-martial (SCM) of absence from your appointed place of duty, using abusive language, and disobedience.

Your record further reflects that on 7 August and 10 September 1951 you received CM for using profanity and conduct prejudice to good order and discipline, and being incapacitated for duty due

to alcohol use. Shortly thereafter, on 15 September 1951, you were convicted by SCM of absence from your appointed place of duty and sentenced to restriction for a month.

Subsequently, your commanding officer recommended you be issued an other than honorable discharge by reason of unfitness. The discharge authority approved the foregoing recommendation and on 14 December 1951 you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your prior honorable service and your contention that you would like your discharge upgraded. The Board further considered your contention that your discharge was the result of a personality conflict between you and a superior officer who wanted to punish you. However, the Board concluded these factors were not sufficient to warrant a change in the characterization of your discharge because of your numerous disciplinary infractions. Given all the circumstances of your case, the Board concluded your discharge was proper as issued and no change is warranted. Accordingly, your application has been denied.

The Board also noted that you should contact the Department of Navy, Navy Personnel Command, Sailor Assistance Center, Code Pers-312F, 5720 Integrity Drive, Millington, TN 38055-3120 to request administrative corrections to your Certificate of Discharge or Release from Active Duty (DD Form 214).

The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director